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Agenda item 71 (k)

GENERAL AND COMPLETE DISARMAMENT

Algeria, Bangladesh, Brazil, Brunei Darussalam, Burundi, Colombia, Costa Rica, Ecuador, El Salvador, Fiji, Ghana, Guyana, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Kenya, Lao People's Democratic Republic, Malawi, Malaysia, Marshall Islands, Mexico, Mongolia, Myanmar, Namibia, Niger, Nigeria, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Samoa, San Marino, Singapore, Solomon Islands, Sri Lanka, Sudan, Thailand, United Republic of Tanzania, Uruguay, Viet Nam and Zimbabwe: draft resolution

Advisory Opinion of the International Court of Justice on the Legality of the Threat or Use of Nuclear Weapons

The General Assembly,

Recalling its resolutions 49/75 K of 15 December 1994 and 51/45 M of 10 December 1996,

Convinced that the continuing existence of nuclear weapons poses a threat to all humanity and that their use would have catastrophic consequences for all life on Earth, and recognizing that the only defence against a nuclear catastrophe is the total elimination of nuclear weapons and the certainty that they will never be produced again,

Mindful of the solemn obligations of States parties, undertaken in article VI of the Treaty on the Non-Proliferation of Nuclear Weapons,[1] particularly to pursue negotiations in good faith on effective measures relating

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* Reissued for technical reasons.

[1] United Nations, Treaty Series, vol. 729, No. 10485.

to cessation of the nuclear arms race at an early date and to nuclear disarmament,

Recalling the Principles and Objectives for Nuclear Non-Proliferation and Disarmament adopted at the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons,[2] and in particular the objective of determined pursuit by the nuclear-weapon States of systematic and progressive efforts to reduce nuclear weapons globally, with the ultimate goal of eliminating those weapons,

Recalling also the adoption of the Comprehensive Nuclear-Test-Ban Treaty in its resolution 50/245 of 10 September 1996,

Recognizing with satisfaction that the Antarctic Treaty and the treaties of Tlatelolco, Rarotonga, Bangkok and Pelindaba are gradually freeing the entire southern hemisphere and adjacent areas covered by those treaties from nuclear weapons,

Noting the efforts by the States possessing the largest inventories of nuclear weapons to reduce their stockpiles of such weapons through bilateral and unilateral agreements or arrangements, and calling for the intensification of such efforts to accelerate the significant reduction of nuclear-weapons arsenals,

Recognizing the need for a multilaterally negotiated and legally binding instrument to assure non-nuclear-weapon States against the threat or use of nuclear weapons,

Reaffirming the central role of the Conference on Disarmament as the single multilateral disarmament negotiating forum, and regretting the lack of progress in disarmament negotiations, particularly nuclear disarmament, in the Conference on Disarmament during its 1997 session,

Emphasizing the need for the Conference on Disarmament to commence negotiations on a phased programme for the complete elimination of nuclear weapons with a specified framework of time,

Desiring to achieve the objective of a legally binding prohibition of the development, production, testing, deployment, stockpiling, threat or use of nuclear weapons and their destruction under effective international control,

Recalling the advisory opinion of the International Court of Justice on the Legality of the Threat or Use of Nuclear Weapons,[3] issued on 8 July 1996,

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[2] 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, Final Document, Part I (NPT/CONF.1995/32 (Part I)), annex, decision 2.

[3] A/51/218, annex.

1. Underlines once again the unanimous conclusion of the International Court of Justice that there exists an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control;

2. Calls once again upon all States to immediately fulfil that obligation by commencing multilateral negotiations in 1998 leading to an early conclusion of a nuclear-weapons convention prohibiting the development, production, testing, deployment, stockpiling, transfer, threat or use of nuclear weapons and providing for their elimination;

3. Requests all States to inform the Secretary-General of the efforts and measures they have taken on the implementation of the present resolution and nuclear disarmament, and requests the Secretary-General to apprise the General Assembly of that information at its fifty-third session;

4. Decides to include in the provisional agenda of its fifty-third session an item entitled "Follow-up to the advisory opinion of the International Court of Justice on the Legality of the Threat or Use of Nuclear Weapons".